



PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Michael John Dixon et al.

October 9, 2002

Serial No.: **09/915,133**

Group Art: **2832**

Filed: **July 25, 2002**

Examiner: **Donavan, Lincoln D.**

Title: **MAGNETIC ROLLER AND METHODS OF PRODUCING THE SAME**

Box Non-Fee Amendment

Assistant Commissioner for Patents
Washington, DC 20231

RESPONSE TO RESTRICTION

In response to the Official Action mailed September 27, 2002, please consider the following election and traverse.

REMARKS

Group II, Claims 11-15 are elected for examination in response to the restriction of the Official Action.

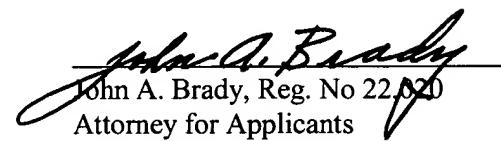
The restriction is respectfully TRAVERSED. While an alternative process to make the product of the Group I claims may be possible or developed in the future, none is known to the undersigned or suggested in the Official Action. By the terms of MPEP Sect. 806.05(f) cited in the Official Action restriction is not supported if 1) the process as claimed can be used to make other and material different product or 2) the product "can" be made by another and materially different process. Since the process claimed is to making a roller using a foaming agent, and the product claimed is a foamed roller, 1) above seems clearly not met. With respect to 2) above, the word "can" is in the present tense, which excludes theoretical speculation and potential future innovations. In fact, the fourth paragraph of the foregoing Sect. 806.05(f) reads, "If applicant convincingly traverses the requirement, the burden shifts to the

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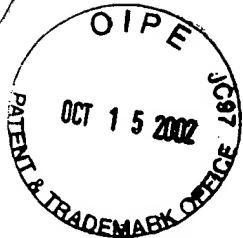
examiner to document a viable alternative process or product, or withdraw the requirement."

According, reconsideration is respectfully requested.

Respectfully submitted,



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